

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DERRICK WATKINS,

Plaintiff,

v.

Case No. 22-cv-1190-bhl

KEVIN WHEELER, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Derrick Watkins, who is incarcerated at the Green Bay Correctional Institution, is representing himself in this case. Over the years, he has filed five cases in the Eastern District of Wisconsin. Per the Prison Litigation Reform Act (PLRA), Watkins is required to pay the filing fee for each case he files while he is a prisoner. *See* 28 U.S.C. §1915(b)(1). For this case, Watkins paid an initial partial filing fee on December 13, 2022, and he currently makes monthly payments of 20% of the preceding month's income credited to his account. *See* 28 U.S.C. §1915(b)(2). On October 31, 2024, Watkins filed a motion asking the Court "to combine all filing fees designated for this District Court . . ." Dkt. No. 24. He asserts that "the prisons are weaponizing these fees by leaving no money in inmates accounts" *Id.*

Congress enacted §1915(b) as part of the PLRA "to reduce frivolous prisoner litigation by making all prisoners seeking to bring lawsuits or appeals feel the deterrent effect created by liability for filing fees." *Leonard v. Lacy*, 88 F.3d 181, 185 (2d Cir. 1996). To this end, the statute requires incarcerated plaintiffs to make monthly payments towards each outstanding filing fee equal to 20% of the inmate's previous month's income. The Supreme Court has explained "that

§1915(b)(2) calls for simultaneous, not sequential, recoupment of multiple filing fees.” *Bruce v. Samuels*, 577 U.S. 82, 87 (2016). The Supreme Court acknowledged that this approach could leave a prisoner without money for amenities but observed that prisoners’ basic needs are met because prisons are constitutionally bound to provide prisoners with adequate food, clothing, shelter, and medical care and must provide them with paper, pen, and postage to prepare and mail legal documents. The Supreme Court concluded that requiring prisoners to make simultaneous payments for each case they file “better comports with the purpose of the PLRA to deter frivolous suits.” *Id.* (citations omitted). The Seventh Circuit has also confirmed that prisoners are required to make payments toward each filing fee even when that means “that the prisoner’s entire monthly income must be turned over to the court until the fees have been paid” *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997). The Court will therefore deny Watkins’ motion to alter the way the filing fees for the cases he chose to file are collected.

IT IS THEREFORE ORDERED that Watkins’ motion to combine filing fees (Dkt. No. 24) is **DENIED**.

Dated at Milwaukee, Wisconsin on November 8, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge